



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
W.P. (MD)No.16856 of 2018

and

W.M.P. (MD)No.14890 of 2018

V.Pandiselvam

... Petitioner

Vs.

1.Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukkottai Region,
Pudukkottai.

... Respondents

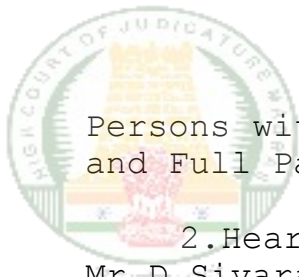
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to refer the petitioner to the Medical Board of any Government Hospital to ascertain the physical fitness to work as Conductor and to provide him suitable alternative light duty on permanent basis at Kandharvakottai Branch of the first respondent corporation with pay protection, continuity of service, backwages for the non-employment period, on account of the disability in the right lower limb in terms of Section 47(1) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

ORDER

The prayer sought for herein is for Writ of Mandamus, directing the respondents to refer the petitioner to the Medical Board of any Government Hospital to ascertain the physical fitness to work as Conductor and to provide the petitioner a suitable alternative light job on permanent basis at Kandharvakottai Branch of the first respondent corporation with pay protection, continuity of service, backwages for the non-employment period, on account of the disability in the right lower limb in terms of Section 47(1) of



Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.D.Sivaraman, learned Standing Counsel for the respondents.

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner has been working as Conductor at the respondent corporation. While so, on 20.04.2016, while he was coming for duty by two wheeler, he met with an accident as he was fainted and fell down. With the result, there had been a fracture at his leg and therefore, he had to be admitted in a hospital at Salem on 20.04.2016, where he had undergone a surgery and because of these fracture and surgery, the petitioner is not able to continue the present job. Therefore, in order to get alternative light job, he has made a request on 13.07.2018. The petitioner has not so far been referred to Medical Board to testify the fitness of the petitioner, so that the respondent can take a decision, whether alternative job can be given to the petitioner.

4. In this regard, the petitioner has given a representation on 13.07.2018 to the respondent and the said representation was also not so far considered. Therefore, the learned counsel appearing for the petitioner would submit that, if the said representation of the petitioner is directed to be considered and a direction to be passed within a time frame on merits, the petitioner would be satisfied.

5. I have heard Mr.D.Sivaraman, the learned standing counsel for the respondents, who would submit that the petitioner's representation dated 13.07.2018 would be considered on merits within a time frame.

6. Considering the limited scope of the writ petition, this Court is inclined to pass the following order:

"The respondents are directed to consider the representation of the petitioner dated 13.07.2018 and pass orders thereon, with regard to the grievance of the petitioner, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order."

7. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CO)

/True copy/



+1cc to Mr.D.SIVARAMAN, Advocate, SR.No.76288

+1cc to Mr.A.RAHUL, Advocate, SR.No.76291

WEB COPY

W.P. (MD) No.16856 of 2018

and

W.M.P. (MD) No.14890 of 2018

31.07.2018

PNN

KK/RSK/SAR-1/27.10.2018/3P-3C